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Reasons against passing the Bill to prevent carrying Foreign Goods from Scotland to England, after the Union, contained in a second Letter from a Scots Factor at London, to a Merchant in Edinburgh.

London, April, 22, 1707.

By mine of the 17th. I acquainted you that our Wine Merchants and other Traders, Members of the House of Commons and others had by their Interest procured a new meeting of Parliament, in order to put a stop to the bringing hither from Scotland after the Union Commences, such Goods as interfere with their Trade. However this affair is like to prove so Knoty that its believed the Bill will not pass the House of Lords.

I acquainted you formerly that there is an exception of Scots-men in the Bill, and now you will see that plainly by the Votes, notwithstanding of which there still remain so many difficulties about it, that they are look'd on as invincible,

I doubt not but you have got notice that the House of Peers have Summoned the Judges before them to give their opinion in this matter, which to Morrow they are to do, both Houses being Adjourned to that time, when we may expect a final Issue to that Affair one way or other, for the Lords are Resolved to do nothing in this matter but what the Judges shall declare is agreeable to Law and equity, and consistent with the Articles of Union.

Tho I cannot now give you the sentiments of the Judges, yet it will not be altogether useless for you to know the opinion of some Lawyers and others here, which I have conferred with upon the subject, which is as follows, viz.

1. That in regard by the fourth Article of the Union, it is specially provided that there shall be a free intercourse and Communication of Trade between the two Kingdoms in general Terms, without excepting such Goods as are not the natural product and Manufacture of either Kingdom, or such Goods as may be Lodged in either Kingdom belonging to Strangers, it is thought to be inconsistent with the Union to make any such exception or explanation now,

2. That in the Opinion of All Lawyers, No Law can be made with a Retrospect to things past, But in the present Matter of Debate, the intended Law is to militate against Persons for a Fact already done, which the Actors might have then Lawfully done without infringing any Law.

3. That the intended Law levels at Persons not Residing within the Districts of England, and its Dependencies, and to practices done in another Kingdom, where Our Parliament has no Power.

4. Allowing the Parliament to have Power to make Laws against the import of Goods by Strangers, Yet can the same no wayes reach the People of Scotland, to interpel them from Traffiquing with whom they please, And if they can purchase the Goods already imported into Scotland by Strangers, any time before a Britishing Parliament makes a Law to the contrary; The People of Scotland being under the Power of no other Legislators, they are Warranted by the Articles of Union, to carry such Goods to any place of the United Kingdoms, without Trouble or Molestation.

5. As Our Parliament can make no Law prohibiting the People of Scotland to Traffique with Strangers, So can they no way hinder Strangers to import Goods into Scotland, And Matters being Transacted between People over whom they have no power, no Law can be made to hinder Scots Men to bring hither what ever Goods they have within Scotland, at the time the Union commences, without a manifest Violation of the Articles of Union.

6. Supposing that the Parliament should have no Regard to the Articles of Union, further then to Allow Scots Men to bring hither such Goods as were brought into Scotland for their own Behove, there would be such a Transition of Strangers Goods, and Goods of the same Kinds lodged in Scotland, for their own Use, and such other Methods used to Evade the Law, that the same could scarce have any other Effect than to cause Oaths, Searches, Molestations to Traders, and too probably, many Perjuries to the great Dishonour of GOD, and Detriment to the Government, without Remediying the Evil for which the Law was intended.

From all which, it is thought the Lords will Reject the Bill.